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INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHTS TO LIFE

Interrelationship between human rights and international peace

Working paper prepared by Mr. Murlidhar Bhandare pursuant to Sub-Commission resolution 1989/47 of 1 September 1989

INTRODUCTION

1. The present working paper has been prepared in accordance with Sub-Commission resolution 1989/47 of 1 September 1989.

2. By paragraph 6 of the same resolution, the Sub-Commission invited Mr. Bhandare "to prepare, without financial implications, a working paper on the problem of the interrelationship between international peace and the effective materialization of all human rights, particularly of the right to life and the right to development for consideration at its forty-third session".

3. In the same resolution, the Sub-Commission emphasized:

> "that strengthening of international peace and security, as well as the reduction of expenditure for arms are important conditions for social and economic development and for the materialization of all human rights, particularly the right to life and the right to development".

Furthermore, by paragraph 5 of the same resolution, the Sub-Commission also emphasized:

> "that the problem of interrelationship between human rights and international peace in all its aspects requires further examination, in particular taking account of the desire for transparency which, in certain regions of the world, is producing positive effects with respect to disarmament and peace".

4. The close interrelationship between the maintenance of international peace and security and the effective realization of human rights and fundamental freedoms is well established. The protection of human rights, one of the principal war aims of the allies in the Second World War, was translated into reality with the formation of the United Nations. The allies were convinced that the atrocities against the human person and the subversion of the international political system itself must never be repeated. The greatest war to date led, understandably, to the greatest effort to protect and promote human rights and fundamental freedoms.

5. The linkage between human rights and international peace is reflected in the provisions of the Charter of the United Nations itself and is indicated right at the beginning, in its preamble and first article:

> "WE THE PEOPLES OF THE UNITED NATIONS DETERMINED to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small ..."

Since the framing of the Charter, there has been an increasing international consensus that human rights, international peace and development are interrelated and interdependent. Promotion of one of these enhances opportunities for securing the other objectives. It is also well understood that the purposes and principles of the Charter are mutually supportive and interlocked and that peace and development are required for the full realization of human rights. Likewise, when human rights are disregarded, international peace and development are threatened.

6. The Sub-Commission first considered this matter at length in 1981 when it decided to include an item on the agenda 8 of its thirty-fifth session entitled "The effects of gross violations of human rights on international peace and security." The Secretary-General, in conformity with the wishes expressed by members of the Sub-Commission, provided basic information relevant to the discussion on this item in a note on this subject (E/CN.4/Sub.2/1982/18). Subsequently, at its thirty-seventh session, the Sub-Commission decided to consider the item as a separate one, entitled "Gross violations of human rights and international peace."

7. The fact that this relationship is of a complex nature is now beginning to be recognized. The Sub-Commission had considered this matter briefly during the course of its thirty-eighth session in 1985, when the Secretary-General had placed before it the guide to conventions, resolutions

and reports of the United Nations concerning the adverse consequences of the arms race, particularly the nuclear arms race, for the universal realization of human rights (E/CN.4/Sub.2/1985/10) and the progress report of the Secretary-General prepared in accordance with Sub-Commission resolution 1984/30 (E/CN.4/Sub.2/1985/11).

8. Subsequent to these discussions a comprehensive report entitled "Interrelationship between human rights and international peace" (E/CN.4/Sub.2/1988/2) was prepared by the Secretary-General in accordance with the Sub-Commission resolution 1985/2. The relevant international provisions and standards, declarations and resolutions adopted by the United Nations and its organs and agencies, as well as those of other intergovernmental organizations, are set out in this report.

9. While the complex relationship between international peace and the realization of human rights is increasingly self-evident, following the widening of the conception of human rights and the greater elaboration and recognition of social, economic and cultural rights, this relationship has now assumed a more dynamic form than at any other time since the creation of the United Nations.

10. The world is passing through a period of momentous changes. These changes have far-reaching implications for States, international organizations and for mankind in general. The assertion of the democratic rights of the people in State after State has been one of the most important changes that has taken place. The fading of the Cold War is another which has transformed the structure of international relations beyond recognition. These developments mark a crucial turning point in human history and portend a promising future for the present and future generations.

11. The fading of the Cold War has put an end to arguments between the East and the West on whether primacy should be given to the maintenance and strengthening of international peace and security, considered by some as essential preconditions for the enjoyment of human rights, or whether the safeguarding of human rights and fundamental freedoms was a prerequisite for the maintenance of international peace and security. This dichotomous view of the relationship between international peace and the effective realization of human rights is being increasingly given up since, in fact, these elements do not relate to each other simply as cause and effect. Neither are they polar opposites but are the two ends of a continuum. This realization has had to await the political and social changes in international polity that have been ushered in only in the last few years.

12. Against this background, the task today is to delineate a new synthesis in the relationship between international peace and the realization of human rights, and to define its implications, grounded on a more holistic and universal perspective of human rights. The time for so doing has never been as propitious as the present juncture in the entire post-Second World War period.

13. An important element in such a synthesis is that international peace and the realization of human rights are both common concerns of mankind. They are both issues of fundamental importance: one concerns conditions that can provide credible guarantees for the survival of mankind and the protection of

the right to life, and the other, conditions, that make it conducive fully to realize the potential of human creativity. The international community has a common responsibility in this regard. An implication which follows is that it is a legitimate interest of mankind to concern itself with matters relating to international peace and the realization of human rights. In practical terms, this implies that all countries, all societies, all social groups, and all individuals are concerned with these issues of peace and human rights, which, in the context of the work of the human rights fora of the United Nations and particularly that of the Sub-Commission for the Prevention of Discrimination and Protection of Minorities, relates to the concept of protection.

14. Flowing from the recognition that the preservation of international peace and the realization of human rights are shared and common concerns of mankind, these manifestly require a qualitatively greater degree of international cooperation than has existed so far. To begin with, a revitalization of the multilateral structures under the United Nations for peace, security, human rights, disarmament and development is called for. The whole of mankind stands for a drastic reduction in global military expenditure, for the elimination of all weapons of mass destruction and for the free and unfettered exercise of human rights. However, these laudable objectives cannot be imposed on a discriminatory basis, through the use of leverage of economic or political power. Political and economic conditionalities have little relevance to the realization of the above-mentioned objectives. The effort should be rather that the urge for peace, disarmament and human rights must arise from within the societies and States concerned. And if protection is extended to newer areas, this must be on a universal basis, applicable to all countries.

15. The right to life is the most important among all human rights legally guaranteed and protected by contemporary law. It is a basic right from which all other human rights flow. Right to life includes all the aspects that make man's life meaningful, complete and worthwhile. It thus encompasses every right that secures to an individual a right to live with dignity, free from want and fear. It naturally includes the right to basic material needs, such as food, health, shelter, education, employment, leisure and safe and healthy environments coupled with personal freedom and security. Thus the right to life is the one which is above all connected with and dependent on a climate of peace and an environment of security and development contributing to the enjoyment of all human rights, civil, political, economic, social and cultural.

16. The materialization of all human rights, particularly the right to life and the right to development, encompasses more than individual liberties and fundamental rights and freedoms conferred on a person; it covers aspects of human development in terms of security, social welfare, education, health, etc. all as an integrated package. These objectives can only be nurtured in an environment where the right of every nation, every society and every person to life, freedom, peace and the pursuit of happiness must be recognized. The use or threat of use of force must be abandoned. The right of every people to make its own social, political and ideological choices must be respected. Policies that seek to establish the domination of some over others must be renounced. Human rights can be realized in the true sense only in an environment of social justice and equality of opportunity. It calls for

participation of people in the process of development and decision-making at all levels. It requires returning to the cultural moorings, deriving sustenance from them and tapping the creative potential of individuals, societies and States. It includes the right of every person to live in dignity, in a clean, safe and healthy environment. Societies and States must also have the means at their disposal to achieve the objectives mentioned above. Food security is an obvious example. This is a function not only of the production of food but also of the purchasing power of the people to buy the available food. Access to resources is a prerequisite for a decent life and to bring about a feeling of well-being. Rights and freedoms also imply choice and choice calls for resources. There can thus be no freedom unless human beings are released from the bondage of want.

17. Some societies and States may find it difficult to pursue enlightened approaches in a global situation where protectionism is rising, the debt burden is increasing, the terms of trade for the primary producers are continuing to deteriorate and reverse resource flows from the poorer to the richer areas of the world are taking place. It is these concerns which also requires to be redressed in tackling the problem of the relationship between international peace and the realization of all human rights.

18. War is an anachronism in today's world. Nuclear weapons threaten life on Earth and the immortality of the human race. Scholars, scientists, strategic thinkers, peace movements all over the world and responsible statesmen are agreed that such a situation cannot be allowed to continue. It is, therefore, necessary that international relations be so structured that confrontation is replaced by cooperation and conflicts resolved through peaceful political means and not through military ones. Mistrust, fear and suspicion between peoples, societies and States distort perceptions of the real world. Philosophies and policies based on violence and intimidation, equality and oppression, and discrimination on the basis of religion or colour are the very antithesis of human progress. They spread intolerance, destroy man's noble aspirations and negate all human values, which lie at the very basis of all human rights.

19. Violations of human rights are a constant threat to peace and security, both national and international. Respect for human rights and fundamental freedoms, including the right to self-determination and the elimination of racial discrimination and racism, apartheid, colonialism and foreign occupation is one of the important conditions for securing international peace. The subjection of people to exploitation or foreign subjugation, for example, constitutes a denial of human rights and a grave threat to international peace and security. The preamble to the International Convention on the Elimination of all Forms of Racial Discrimination spells this out as follows:

> "... discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State."

20. Peace, independence, security, disarmament and development are some of the main elements that ensure human rights. As the Final Document issued upon the conclusion of the International Conference on the Relationship between Disarmament and Development (New York, 24 August-11 September 1987) underscored, security consists of not only military, but also political, economic, social, humanitarian and human rights as well as ecological aspects. The Document stated, inter alia:

> "Enhanced security can, on the one hand, create conditions conducive to disarmament and, on the other, provide the environment and confidence for the successful pursuit of development."

The interdependence between peace, security and human rights is elaborated further in the Final Document, as follows:

> "Gross and systematic violations of human rights retard genuine socio-economic development and create tensions which contribute to instablility. Mass poverty, illiteracy, disease, squalor and malnutrition afflicting a large proportion of the world's population often become the cause of social strain, tension and strife."

21. The world is one and peace and human rights are indivisible. East and West, North and South, regardless of their differing perceptions, social systems, ideologies or beliefs, must join in a common endeavour to usher in a non-violent, democratic world where the sovereignty of nations and the dignity of individuals can fully be protected and within which the material and spiritual potential of human civilization can fully be realized. Internationally recognized human rights and fundamental freedoms, whether they be civil and political or economic, social and cultural, are universal, inalienable and inviolable, without any hierarchy among them. Any violations of human rights are repugnant and must receive the prompt attention of the United Nations for timely remedial action, with priority accorded to the search for solutions to the mass and flagrant violations of human rights.

Recommendations

22. The United Nations has recently come to play its expected role in accordance with the principles and purposes of the Charter, in particular in resolving conflicts dealing with the breach of or threat to security. A study on the interrelationship between international peace and the effective materialization of all human rights, in particular the rights to life and to development, should seek to relate human rights with other relevant areas of United Nations activities, particularly international peace, disarmament and development, and to incorporate the human rights aspect into the emerging world order.

23. Particular emphasis could be laid on considering ways and means by which the United Nations, through its organs and agencies, could help foster a universal culture of human rights, thereby contributing to strengthening of international peace and security in a climate of openness, confidence and cooperation. By way of example, the very change in the international climate mandates greater transparency among nations to enhance mutual trust and

confidence, thereby promoting international peace for the effective realization of human rights. In practical terms, this would imply, inter alia, that all relevant information on military expenditure should be provided by all Member countries of the United Nations, as per the guidelines and norms that may be laid down on this issue by the United Nations.

24. The proposed study should not principally involve itself in a descriptive review of the relationship between international peace and human rights. This has already been compiled and presented to the Sub-Commission. What is required is a synthesizing effort that brings out the manner in which international peace and human rights are inextricably intertwined and to spell out its practical implications for purposive action by the United Nations in the human rights field.

25. In the process of elaborating such a synthesis, the proposed study could also examine how the manifestations of violations of human rights emerge from underlying economic and social factors such as inequality and uneven development, both within and among nations. This would necessarily encompass the linkage between peace and human rights and development.

26. Both international peace and the realization of human rights are the first charge on every society; they are binding obligations of all States. The importance of enhanced multilateral cooperation in the promotion and protection of human rights is self-evident in this context. A detailed study on the interrelationship between international peace and human rights could explore this area further. The outcome of such a study could eventually be translated into a programme of action. Based on the conclusions of the study, the Sub-Commission could also consider preparation of a declaration on the interrelationship between international peace and human rights.

27. Should the Sub-Commission decide in favour of mandating the proposed study, it would be desirable for it to debate this issue within the Sub-Commission so that fresh ideas on it could emerge for incorporation in the study and the principal aspects of the subject to be covered in the study could be clearly delineated.